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**TO:** Senate Co-Chair Eric Coleman  
House Co-Chair William Tong  
Senate Ranking Member John Kissel  
House Ranking Member Rosa Rebimbas  
Honorable Members of the Judiciary Committee

**FROM:** Paul J. Knierim  
Probate Court Administrator

**RE:** RB 248, An Act Concerning Revisions to Statutes Affecting Title to Real Property

**DATE:** February 29, 2016

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Thank you for the opportunity to testify on Raised Bill 248, An Act Concerning Revisions to Statutes Affecting Title to Real Property. Our input on this bill relates exclusively to section 1, which we oppose.

It is our position that section 1 would amend C.G.S. section 45a-428 in a way that defeats the purpose of the statute. The goal of section 45a-428 is both straightforward and longstanding: when a person's will designates specific beneficiaries to receive a parcel of real estate, those beneficiaries should in fact receive the real estate. Under current law, an executor can sell or mortgage real estate that is given to specified beneficiaries, rather than distributing it to them, only if: (1) the beneficiaries consent to the sale, (2) the Probate Court finds that the estate is insolvent, or (3) the Probate Court finds that the estate is solvent but there are no other assets to satisfy the decedent's debts, taxes and the expenses of administering the estate.

The bill would create an additional exception to the right of beneficiaries to receive real estate specifically given to them by permitting sale when the will contains a general provision that authorizes the executor to sell real estate. The problem is that the power to sell real property is "boilerplate" language that is found in almost all wills. On the other hand, a dispositive provision that gives a parcel of real property to specific beneficiaries (or that prohibits the sale of a particular parcel) is not boilerplate. It is, instead, a very specific expression of the decedent's intent. A statute that permits sale of the property on the basis of the boilerplate language would effectively thwart the decedent's intent. For that reason, we urge the committee to reject section 1.

Thank you for your consideration.